

## **CHAPTER 4-4**

### **GENERAL LICENSING PROVISIONS**

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#### **4-4-010 License – Required – Violation – Penalty.**

It shall be unlawful for any person (which refers to, for purposes of this title, any individual, partnership, corporation or entity which conducts, engages in, maintains, operates, carries on or manages a business or occupation within the City of Chicago) to conduct, engage in, maintain, operate, carry on or manage a business or occupation for which a license is required by any provision of this Code, including Section 4-4-020 of this chapter, without a license first having been procured for such business or occupation. A separate license shall be required for each separate place of business. Any person violating this section shall be fined not less than \$200.00 nor more than \$500.00 for each offense, and every day such violation continues shall constitute a separate and distinct offense. In addition, any person who continues to violate this section after notification of such violation may be punished as committing a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 4-16-97, p. 42588; Amend Coun. J. 12-15-99, p. 21529, § 1)

#### **4-4-015 Closure order – Violation – Penalty.**

Any business or occupation for which a license is required under Section 4-4-020 of this chapter or any other provision of this Code, and to which no license to operate for the period in question has been issued, may be closed by the commissioner of business affairs and consumer protection until such license is procured. The failure to make any required partial payment or to renew a license shall also constitute grounds for closing by the commissioner of business affairs and consumer protection, provided that the commissioner of business affairs and consumer protection shall be required to issue a 30-day notice of violation before the closure may take place. Any person who continues to operate a business or occupation which has been closed by the commissioner pursuant to this section shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense, and every day that such violation continues shall constitute a separate and distinct offense. In addition, any person who continues to violate this section after notification of such violation may be punished as committing a misdemeanor by incarceration in the county

jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 4-16-97, p. 42588; Amend Coun. J. 12-15-99, p. 21529, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-020 License – Required for businesses and occupations not provided for by other code provisions.**

All persons who conduct, engage in, maintain, operate, carry on or manage a business or occupation for which a license is not required under any other provision of this Code, other than those businesses or occupations which are exempt from city licensing pursuant to law, shall be required to register with the department of business affairs and consumer protection of the city and obtain a limited business license for such business or occupation. The license fee for said license shall be as set forth in Section 4-5-010. All such businesses or occupations licensed hereunder or under any other provision of this Code shall provide the following information to the department of business affairs and consumer protection: (1) the names of the owners (excepting stockholders who own less than 25 percent of the voting shares), general partners and officers of the business or occupation, where applicable; (2) the addresses of all offices of such business or occupation located within the city; (3) a detailed and comprehensive description of such business or occupation; (4) notification of any bankruptcy proceedings instituted by the business or occupation; (5) whether or not the business was purchased as a bulk sale; and (6) any other information as may be required by the commissioner of business affairs and consumer protection for the protection of the public health, safety or welfare of the patrons of such businesses or occupations, their employees and the general public. Any person who obtains a limited business license shall limit the activities carried on in such business or occupation to those identified in the license application. If the licensee intends to add activities not identified in the application, he or she shall inform the department of business affairs and consumer protection license division prior to commencing such activities; said licensee shall also apply for any new license or licenses as may be appropriate.

A limited business license shall not be required for the retail sale of general merchandise that is secondary to a primary business activity for which a license is required and has been obtained under another provision of this Code. For purposes of this section, a primary business activity is an activity that constitutes at least 51 percent of the gross receipts of a business.

Notwithstanding the foregoing, the licensing requirements of this chapter shall not apply to the sale or exchange of used merchandise conducted by or controlled by charitable organizations.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 4-16-97, p. 42588; Amend Coun. J. 9-29-04, p. 32139, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-021 Terms and renewals of licenses.**

Unless a specific term for a license is otherwise provided for in this title, a licensee may elect to have the term of a license expire at the end of two years or four years; provided that the term of any license issued pursuant to Chapter 4-60, 4-72, 4-92, 4-144, 4-156, 4-208, 4-209 or 4-388 shall expire at the end of two years; provided further that the term of all licenses issued for a licensed location to a person who has also been issued a license pursuant to Chapter 4-60, 4-72, 4-92, 4-144, 4-156, 4-208, 4-209 or 4-388 for that location shall expire at the end of two years. When a licensee adds an additional license at an existing licensed location, the commissioner is authorized to align the expiration date of any additional license, as provided for in rules and regulations, and to prorate the fee for such additional license, if applicable.

Every person who conducts a business or occupation for which a license is required under this title shall renew such license as provided for in this section. A renewal application must be filed no later than the 15th

day of the month in which the license expires. Licenses may be renewed beginning 45 days prior to the renewal application dates provided in this section. If a renewal date falls on a Saturday, Sunday or official city holiday during which the department of business affairs and consumer protection does not transact official business, the licensee may renew any license or licenses on the next day during which city business is transacted.

Except as provided below, for all licenses issued prior to the effective date of this amendatory ordinance of 2009 the commencement of the license period shall be based upon the zip code area in which the business or occupation is located. The zip code license areas are as follows:

Area 1 – 60613, 60615 and 60616: This license will commence on June 15 of every even year.

Area 2 – 60617, 60620 and 60827: This license will commence on July 15 of every even year.

Area 3 – 60623, 60624 and 60631: This license will commence on August 15 of every even year.

Area 4 – 60632 and 60636: This license will commence on June 15 of every odd year.

Area 5 – 60637, 60640 and 60643: This license will commence on July 15 of every odd year.

Area 6 – 60641 and 60660: This license will commence on August 15 of every odd year.

Area 7 – 60608 and 60630: This license will commence on December 15 of every odd year.

Area 8 – 60609, 60638, 60666, 60701 and 60706: This license will commence on January 15 of every even year.

Area 9 – 60610, 60707, 60803, 60804 and 60805: This license will commence on February 15 of every even year.

Area 10 – 60618 and 60649: This license will commence on December 15 of every even year.

Area 11 – 60639, 60653, 60655 and 60699: This license will commence on January 15 of every odd year.

Area 12 – 60657 and 60659: This license will commence on February 15 of every odd year.

Area 13 – 60602: This license will commence on March 15 of every even year.

Area 14 – 60603 and 60604: This license will commence on April 15 of every even year.

Area 15 – 60607 and 60654: This license will commence on May 15 of every even year.

Area 16 – 60611: This license will commence on March 15 of every odd year.

Area 17 – 60614: This license will commence on April 15 of every odd year.

Area 18 – 60644 and 60661: This license will commence on May 15 of every odd year.

Area 19 – 60601, 60606 and 60612: This license will commence on September 15 of every even year.

Area 20 – 60605, 60619, 60621 and 60626: This license will commence on October 15 of every even year.

Area 21 – 60622 and 60646: This license will commence on November 15 of every even year.

Area 22 – 60625, 60628 and 60656: This license will commence on September 15 of every odd year.

Area 23 – 60629, 60633, 60634 and 60645: This license will commence on October 15 of every odd year.

Area 24 – 60647, 60651 and 60652: This license will commence on November 15 of every odd year.

Notwithstanding the foregoing: the license period for any new license issued after the effective date of this amendatory ordinance of 2009, or for any business located outside of the city, or for any peddler license issued under Chapter 4-244 of this code or for any street performer license issued under Chapter 4-268 of this code shall begin on the 15th day of the month the license was originally issued.

Licensees who conduct a business or occupation in a zip code area not referred to in this section, or at locations in more than one zip code area, shall renew their licenses at a time designated by the commissioner of business affairs and consumer protection. The commissioner may issue rules or regulations to effectuate the purposes of this section. In the event that the grouping of zip codes into the areas shown above creates administrative inconvenience to applicants and licensees, the commissioner may change the groupings by regulations. Such a change shall not take effect until 15 days after notice of the change has been published in at least one newspaper of general circulation in the city.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 1-12-93, p. 27813; Amend Coun. J. 4-16-97, p. 42588; Amend Coun. J. 7-2-97, p. 48044; Amend Coun. J. 6-4-03, p. 2443, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-15-06, p. 92532, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 1-13-10, p. 83191, § 1)

#### **4-4-022 License fee payments – Installment plan.**

Unless otherwise provided for in this code, any person issued a license whose term expires at the end of two years and whose total license fee payments to the city for one or more licenses exceeds \$1,000.00 per year may make such payments in installments, with the first installment equal to one-half of the two-year license fee, and the other half to be paid, as provided for by the commissioner in rules and regulations. The default of any installment under the installment plan is grounds for revocation of the license. The commissioner of business affairs and consumer protection shall promulgate rules or regulations to effectuate the purpose of this section.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 1-13-10, p. 83191, § 1)

#### **4-4-023 License review advisory group.**

The commissioner of business affairs and consumer protection may convene, at his discretion, a license review advisory group for the purpose of recommending amendments to, repeal of, or adoption of new provisions relating to licensing of any business in the city. Such a group shall be comprised of representatives of city departments and agencies, and the chairman of the city council committee on license and consumer protection, and business constituencies that would be affected by the proposed change in law, as well as interested aldermen.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-025 Reserved.**

**Editor's note** – Coun. J. 4-16-97, p. 42588, repealed § 4-4-025, which pertained to omnibus license.

#### **4-4-030 License – Grant.**

In all cases where licenses are required to be procured, such licenses shall be granted by the mayor and attested by the city clerk, except where provision is expressly made for the granting of licenses by some other officer of the city.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-040 License – Issuance.**

All licenses, authorized to be issued and required to be procured by any provision of this Code, which are granted by the mayor, shall be issued by the city clerk, except where otherwise specifically provided, upon instruction or direction from the mayor so to do.

All such licenses so issued shall bear the seal of the city, the name of the licensee, address, nature or kind of business or occupation licensed, amount of fee paid, and such other material information as the mayor and city clerk shall prescribe. All licenses shall be subject to the provisions of this Code which may be in force at the time of the issuance thereof or which may subsequently be passed by the city council.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-050 License – Application.**

All applications for licenses of any character whatsoever, including those issued under Title 9 of this Code, but excluding those licenses specifically excepted, shall be made in writing to the director of revenue, or the commissioner of the applicable department, on a form provided for that purpose.

Every application for a license shall contain the name of the person desiring the same and the place of business of such applicant. If the applicant is a sole proprietorship, the application shall contain the name, residence address, date of birth, and social security number of its sole proprietor; if the applicant is a partnership or firm, the application shall contain the names, residence addresses, date of birth, social security number, and percentage of interest therein of the three members who own the highest percentage interests in such partnership and of any other member who holds a 25 percent or more interest therein; if a limited partnership, the names, residence addresses, dates of birth, social security numbers, and percentage of interest therein of the three limited partners who own the highest percentage interests in such limited partnership and of any other member who holds a 25 percent or more interest therein; if a corporation, the application shall contain the names, residence addresses, dates of birth, and social security numbers of its principal officers and of those stockholders who own 25 percent or more of its voting shares; and if a limited liability company, the names, residence addresses, dates of birth, social security numbers, and percentage of interest of the three members who own the highest percentage interests in such limited liability company and of any other member who holds a 25 percent or more interest therein; provided that, with respect to those licenses for which the Municipal Code requires disclosure of additional information, including a lesser percentage of ownership, the specific licensing provision shall govern. The director of revenue, or commissioner of the applicable department, shall promulgate rules and regulations to provide for the eventuality of any of the above-required information being unavailable. In addition to such statements, there shall be set forth in said application the location of the place of business, or proposed location thereof, for which the license is sought, and such other information as may be required by the director of revenue, or commissioner of the applicable department, in conformity with the provisions of this Code prescribing the requirements of such license.

Except as otherwise specifically provided, when provision is made for the division of any license year into

periods and the issuance of a license for any such period is provided for, a new application for the purpose of renewing such license need not be made in such case by the beginning of each succeeding period unless required by the director of revenue or the head of a department charged with enforcement of a provision of this Code under which the license is issued.

The commissioner of business affairs and consumer protection shall be the custodian of all applications for licenses which, under the provisions of this Code, are required to be made to him.

It shall be grounds for the revocation of any license issued under the provisions of this Code whenever the license applicant knowingly includes false or incomplete information in the license application.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 2-7-96, p. 15393; Amend Coun. J. 7-29-98, p. 75051; Amend Coun. J. 3-10-99, p. 91043; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-060 License – Application – Inspection or investigation.**

Upon receipt of an application for a license which requires an investigation or an inspection by any department or board of the city, pursuant to the licensing requirements for the particular license as set forth in the relevant sections of the code governing the particular license, or as to the proper location or condition of the premises in which the business, for which a license is applied, is to be managed, conducted, operated, or carried on, the commissioner of business affairs and consumer protection shall transmit to each department or board charged with the investigation and approval of any such application such information as may be necessary in order that the required investigation or inspection may be made. Each department head or president of a board charged with such investigation or inspection shall, immediately upon receipt of such information from the commissioner of business affairs and consumer protection, cause an investigation or inspection to be made, and shall, within ten days after the receipt of said information from the commissioner of business affairs and consumer protection, determine that the applicant has complied or has not complied with the relevant requirements for the particular license and shall notify the commissioner of business affairs and consumer protection accordingly. After the initial and one follow-up inspection by any one department or board of the city, a \$50.00 reinspection fee shall be assessed against the license applicant, other than applicants for a license issued pursuant to Chapter 4-60 of the Code, for each subsequent inspection, except where the subsequent inspection was necessary due to an error made by the city. Within two business days, the commissioner of business affairs and consumer protection shall transmit the application and reports of the investigations and inspections to the mayor with a recommendation that the application be approved or denied.

If any department head or president of a board shall disapprove such application and the applicant for license shall be in business or shall have engaged in the occupation for which a license is sought, it shall be the duty of such department head or president of a board to take such action as shall be necessary to compel compliance with the provisions of this Code. Upon receipt of the report and recommendation of the commissioner of business affairs and consumer protection, the mayor shall have the right to examine, or cause to be examined under oath, any applicant for a license or for a renewal thereof, and to examine or cause to be examined the books and records of any applicant. Such examination shall be commenced within 15 days after receipt of the report and recommendation of the commissioner of business affairs and consumer protection, and concluded within 30 days thereafter; provided, however, that the mayor may extend the period of such investigation for an additional 15 days to allow completion of the investigation, if necessary. The mayor shall give the applicant written notice of the extension, stating the reasons therefor. If the applicant fails to appear to answer any question or to produce the books and records, said conduct shall be sufficient grounds for denial of the license application. The mayor may authorize a hearing examiner to act on his behalf for the purpose of obtaining any of the desired information.



If the mayor determines that no such examination is necessary, and that the applicant or each of the principal officers, if the applicant is a corporation, has complied with all of the necessary licensing requirements for the particular license, and that all laws and provisions of this Code regulating the business or occupation for which such license is applied for have been complied with, the mayor shall immediately authorize the issue of the said license by the city clerk.

If the mayor disapproves the license application, he shall notify the unsuccessful applicant in writing of the reasons for the disapproval. The notice shall be sent to the applicant within five days after the disapproval, by first class mail addressed to the applicant at the address shown in the application. The license applicant may within ten days after receiving notice of the disapproval make a request in writing to the mayor for a hearing on the disapproved application. Within ten days after a request for a hearing is made, a public hearing shall be authorized before a hearing examiner appointed by the mayor, who shall report his findings to the mayor within 14 days after completion of the hearing. The public hearing shall be commenced within ten days after it is authorized.

The mayor shall within 15 days after such hearing has been concluded, if he determines after such hearing that the license application be disapproved, state the reason for such determination in written finding and shall serve a copy of such finding upon the license applicant.

No license, other than licenses issued pursuant to Chapters 4-60 and 4-156 of the Code, shall be approved and the license application fee shall be forfeited if the application review process is not completed within 90 days after the license application is filed, except where the delay in completing the process has been occasioned by the city. A new application and filing fee must be submitted to the department of business affairs and consumer protection after the expiration of the 90-day period.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 4-16-97, p. 42588; Amend Coun. J. 6-4-03, p. 2443, § 2; Amend Coun. J. 12-15-04, p. 39840, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-070 License – Application – Affidavits.**

All applicants may be required to swear to any statement made in connection with the application for the issuance of any license. When any applicant for a license is required to make any statement contained in the application under oath, or when the sureties on the bond to be executed in connection with the issuance of a license are required to be sworn to any statement made therein, or when any affidavit is required to be made in connection with the issuance of a plate or emblem by the city clerk, such affidavit may be made by the applicant before a notary in the office of the commissioner of business affairs and consumer protection, and such affidavit shall be drawn by such notary and the oath administered without cost. The commissioner of business affairs and consumer protection shall designate a sufficient number of notaries public in his office to draw the affidavits and administer the oaths as herein provided for, and all expenses in connection with the commissions and seals for said notaries public shall be borne by the city.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-080 Bonds.**

Any bond given by any person to the city under the license provisions of this Code shall, before a license is granted, be approved as to form by the corporation counsel or one of his assistants.

Except as otherwise specifically required, the comptroller shall investigate the sureties on any license bond and, if upon investigation he shall find that the same are good, shall approve such bond.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-084 License suspension pending payment of fines, costs or other sum of money owed to the city.**

The license of any person who has failed to pay any fine, assessment of costs or other sum of money owed to the city pursuant to a court order, an order of the department of administrative hearings, or an order of the department of business affairs and consumer protection within 30 calendar days of becoming a debt due and owing may be suspended by the department of business affairs and consumer protection, following a hearing conducted in accordance with its rules. The license shall be suspended until such time that the fine, assessment of costs or other sum of money has been fully paid. The licensee shall be given written notice at least five days prior to the hearing.

(Added Coun. J. 7-29-98, p. 75071; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-090 Prepayment of license fees.**

Except as provided for in Section 4-4-022, all applications for a license made to the commissioner of business affairs and consumer protection shall, after approval by the zoning administrator as to compliance with the zoning ordinance, be accompanied by the full amount of the fee payable for such license.

Whenever a license cannot be issued at the time the application for the same is made, the director of revenue shall issue a receipt to the applicant for the money paid in advance. All such receipts shall have plainly indicated thereon that the receipt of payment of the license fee is not to be construed as the issuance of a license.

No such receipt, or the payment of any license fee in advance of the issuance of the license in due form, shall entitle or authorize any person to any of the rights or privileges conferred by the issuance of any license or to the opening or maintaining of any business or establishment contrary to any of the provisions of this Code.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 1-13-10, p. 83191, § 1)

#### **4-4-110 Term – Temporary license.**

(a) Except where otherwise expressly provided, no license shall be granted for a period longer than two years. No license shall be issued for a sum less than the full license fee, except when otherwise expressly provided. A temporary, nonrenewable license may be issued by the mayor for a period ending on the last day of the license period, where the application in question is approved by all departments except the department of buildings and where violations of\* the premises to be licensed are not of a serious or dangerous nature.

**\* Editor's note** – As set forth in Coun. J. 3-5-03, p. 104990; correct language appears to be "...violations on the premises...."

(b) An initial license, if approved by all appropriate departments and issued within 90 days of the start of a new license period, may be issued for a term ending on the last day of the new license period.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 4-16-97, p. 42588; Amend Coun. J. 3-5-03, p. 104990, § 1; Amend Coun. J. 11-15-06, p. 92532, § 1)

#### **4-4-130 Rebate or refund of fees.**

In no event shall any rebate or refund be made of any license fee or part thereof by reason of the death of the licensee or by reason of non-use of such license, or by reason of a change of location or occupation of such licensee; provided, however, that the provisions of this section shall not be construed to prevent the city council from authorizing a refund of a license fee or a portion thereof, where the license fee was collected through an error, or where the holder of a license has been prevented from enjoying the full license privilege due to induction into the armed services of the United States under the provisions of the Federal Selective Service and Training Act and has been stationed beyond the limits of the city, or where a licensed business is forced to close before the expiration of the license period by reason of the taking over of the licensed premises by the United States Government or an agency thereof. Where any rebate of any such license fee is made because of induction into such federal service, or because of the taking over of the licensed premises by the United States Government or an agency thereof, it shall not be a sum greater than the amount of the license fee divided by the number of months of the license period remaining after such induction and change of station.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-140 Foreign representatives – Exempted.**

The mayor shall in his discretion exempt from the payment of any license fee provided by any provision of this Code all foreign consuls or other authorized representatives of any foreign government residing within the city who shall be citizens of such foreign governments.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-150 Indebtedness – License ineligibility.**

(a) Whenever used in this section, the term “debt” shall mean:

(1) a sum of money owed to the city for which the period granted for payment has expired, including, but not limited to, any obligation or payment of a sum of money owed to the city pursuant to a court order or an order of the department of administrative hearings that has not been stayed by a court of competent jurisdiction, and in the case of a “tax” within the meaning of Section 3-4-020 of this Code, includes any unpaid tax liability, whether or not an assessment has been issued;

(2) any obligation or payment of a sum of money owed to a third party, including restitution, pursuant to an order of the department of administrative hearings that has not been stayed by a court of competent jurisdiction;

(3) a parking ticket, notice of parking violation, or parking violation complaint on which full payment has not been made or an appearance has not been filed in the Circuit Court of Cook County within the time specified on the complaint;

(4) a sum of money owed to the State of Illinois when the city has received certification from the state that the license applicant has been given notice and an opportunity to contest the state’s determination that he or she owes the sum of money; and/or

(5) a sum of money owed to the Metropolitan Pier and Exposition Authority for the M.P.E.A. Airport Departure Tax.

(b) No initial or renewal license shall be issued to any license applicant who has acquired any

outstanding debt, unless and until such person satisfies all outstanding debts or by authority of the city council discharges all such indebtedness in accordance with the terms and conditions fixed by the city council. Except as provided in Section 4-60-040(c)(2)\* for applicants for a city retailer's license for the sale of alcoholic liquor, a license applicant shall further be ineligible for a license if any person owning, either directly or indirectly, more than a 25 percent interest in the license applicant has acquired any outstanding debt. For purposes of this subsection (b), a "25 percent interest" shall mean 25 percent of the combined voting power or fair market value of all stock, partnership interests or other ownership interests in the applicant or the right to receive at any time the distribution of 25 percent of the income or profits of the applicant.

\* **Editor's note** – Correct reference apparently should be to Section 4-60-040(c)(3).

(c) Notwithstanding the provisions of subsection (b) herein, the city may issue an initial or renewal license to a license applicant if the commissioner of business affairs and consumer protection or other appropriate city department or agency determines that:

(1) The license applicant, if the applicant owes a debt, and each person owning more than a 25 percent interest in the license applicant and owing a debt has entered into an agreement with a court of competent jurisdiction, the department of business affairs and consumer protection or other appropriate city department or agency, the State of Illinois, the Metropolitan Pier and Exposition Authority or third party for the payment of all debts owed and each debtor is in compliance with the agreement; or

(2) The license applicant, if the applicant owes a debt, and each person owning more than a 25 percent interest in the license applicant and owing a debt is contesting liability for or the amount of the debt in a pending administrative or judicial proceeding; or

(3) The license applicant, if the applicant owes a debt, and each person owning more than a 25 percent interest in the license applicant and owing a debt has filed a petition in bankruptcy and the debts owed are dischargeable in bankruptcy.

For purposes of subsection (c)(2) an administrative proceeding shall include a pending audit by a government agency.

(d) (1) When a department becomes aware that a licensee may not renew his or her license under this section, it shall provide notice to the department responsible for issuing the license that identifies the licensee. At or prior to the time when the licensee applies for a renewal license, the department that is responsible for issuing the license shall notify the licensee in writing that his or her license is ineligible for renewal under this section when the department is aware that the licensee has an outstanding debt. The notice shall identify the department or departments that have determined that the licensee has an outstanding debt; describe the debt that is outstanding or inform the licensee that, upon the request of the licensee, a description of the outstanding debt is available from the department or departments that have determined that a debt is outstanding; and inform the licensee of his or her right to contest a department's determination under this section. If notice is provided by mail, it shall be sufficient to mail the notice to the last address the licensee provided to the issuing department. The date of the notice shall be the date the notice to the licensee is deposited in the mail, if served by first class mail; the date of delivery, if served by personal service; or the date of service if served by any other manner.

(2) (i) Upon the request of the licensee, a department that has determined that the licensee has an outstanding debt shall provide the licensee with a written description of such debt. A licensee shall have ten business days from the date of the notice issued to the licensee pursuant to subsection (d)(1) to petition the department that determined that the licensee has an outstanding debt to reverse its determination, by submitting in person or by mail, a written response to such department that includes the following materials and information: the full name, address and telephone number of the licensee; a written statement signed by

the licensee setting forth facts, law or other information relevant to establishing a defense to the department's determination; a copy of the notice provided to the licensee by the license issuing department under subsection (d)(1); and any documentary evidence that supports the licensee's written statement, including receipts for the payment of an alleged debt.

(ii) Within ten business days of receiving a petition, the department that made the determination shall grant or deny the petition. A department's decision denying a petition shall be in writing and shall inform the licensee of his right to contest the department's decision under this section. The time period for ruling on a petition may be extended only with the consent of the petitioner.

(3) Within ten business days of the date of a department's decision denying a petition under subsection (d)(2), the licensee may appeal the license issuing department's determination to the department of business affairs and consumer protection's adjudication division by filing a written request for a hearing in person at the department of business affairs and consumer protection's adjudication division. The date of the license issuing department's decision shall be the date that it is deposited in the mail, if served by first class mail; the date of delivery, if served by personal service; or the date of service if served by any other manner. In any case in which the licensee is appealing the decision of more than one department, the ten-day period shall not begin to run until after the issuance of all such decisions. A request for a hearing shall include the following materials and information: a copy of the notice provided to the licensee by the license issuing department under subsection (d)(1); a copy of the licensee's written response submitted to the department making the determination of a debt under subsection (d)(2); a copy of the department's decision denying the licensee's petition issued under subsection (d)(2); and any documentary evidence that supports the licensee's appeal, including receipts for the payment of an alleged debt. Upon receipt of a timely and proper request for a hearing, the department of business affairs and consumer protection's adjudication division shall assign a hearing date no later than 15 business days after the date of the request. The hearing shall not be continued without the consent of the licensee. A hearing officer appointed by the department of business affairs and consumer protection shall conduct the hearing to determine whether or not the licensee is ineligible for a license pursuant to this section. The hearing shall comply with the following provisions:

(i) The case for the city shall be presented by the corporation counsel.

(ii) The hearing officer shall abide by any prior determination that a debt exists and the scope of review shall be limited to whether the debt has been satisfied and whether the determination that the debt exists was issued against the license applicant. The license applicant shall not be entitled to raise any defenses related to his or her liability for the underlying debt.

(iii) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(iv) At the conclusion of the hearing, the hearing officer shall make a recommendation to the commissioner of the department of business affairs and consumer protection affirming or denying the department's determination that the licensee's license is not eligible for renewal. Upon the issuance of a final order by the commissioner that the licensee is not eligible for a license, the licensee's license may not be renewed prior to the payment of all outstanding debts. The commissioner shall issue a final order no more than 15 business days after the conclusion of the hearing.

(4) Notwithstanding a pending petition submitted to a department, pursuant to subsection (d)(2)

of this section, or appeal to the department of business affairs and consumer protection's adjudication division pursuant to subsection (d)(3) of this section, no license shall authorize the conduct of any business or occupation from and after the last day of a license term unless the license has been renewed by the department responsible for processing the license. A license may be renewed only upon the payment of all

outstanding debts. Upon written application by a licensee and subject to any applicable rules contained in this Code relating to refunds, the city or third party shall refund to the licensee any payment that it received from licensee for a debt which the city or court of competent jurisdiction determines was not owed by the licensee.

(5) If the licensee fails to file a timely and proper petition under subsection (d)(2) or an appeal to the department of business affairs and consumer protection's adjudication division under subsection (d)(3), the licensee shall be deemed to have waived his or her right under this section to contest the department's determination and the licensee's license may not be renewed prior to the payment of the debt determined by the department to be outstanding.

(e) Any license ineligibility based on a child support debt shall be governed by the provisions of Section 4-4-152 of this Code rather than this section.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 2-7-96, p. 15616; Amend Coun. J. 7-29-98, p. 75071; Amend Coun. J. 12-15-99, p. 21529, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-152 Child support delinquencies.**

(a) Definitions. For purposes of this section, the following words and phrases shall have the following meanings:

"Court-ordered child support arrearage" means that the Circuit Court of Cook County has issued an order declaring the respondent in arrearage on his or her child support obligations in a specific amount as of the date of that order or, upon the discretion of the commissioner, may mean that another Illinois court of competent jurisdiction has issued such an order.

"Child support withholding notice" means any income withholding notice which, pursuant to the applicable governing law, directs the payor (i) to withhold a dollar amount equal to the order of child support, and/or (ii) to withhold a dollar amount equal to or towards paying off any unpaid child support obligations, and/or (iii) to enroll a child as a beneficiary of a health insurance plan and withhold or cause to be withheld any required premiums, and also includes any order issued by the Circuit Court of Cook County (or, upon the discretion of the commissioner, another Illinois court of competent jurisdiction), which similarly directs the payor.

"License" means all licenses of any character whatsoever that are either required by Title 4 of this Code or required by Title 9 of this Code and issued by the department of business affairs and consumer protection.

"Substantial owner" means any person who holds a 25 percent or more percentage interest in any corporation, partnership or firm, limited partnership, professional corporation or limited liability company.

(b) Obligors – Child Support Arrearages. When public records reflect an outstanding court-ordered child support arrearage, no license shall be issued or renewed to any person, and outstanding licenses may be revoked, unless the applicant or licensee establishes:

(1) the applicant or licensee has paid to the obligee all child support due under the court order, as evidenced by a certified court order or official clerk's records that no support is due and owing; or

(2) the applicant or licensee has entered into a court-approved agreement for the payment of all child support owed and is in compliance with that agreement; or

(3) (A) the applicant or licensee has filed and served a motion requesting a judicial finding of compliance or court approval of an agreement for payment of arrearages; and

(B) in those cases where the motion has not been granted within sixty (60) days of filing, such delay is not due to any failure to exercise reasonable diligence on the part of the applicant or licensee; provided that, the applicant or licensee may not use this subsection (b)(3) on more than one (1) occasion, unless he or she is asserting an error in the public records which postdates the first occasion he or she used this subsection (b)(3); or

(4) The applicant or licensee is not an obligor under a court-ordered child support arrearage.

(c) Employers – Child Support Withholding Notices. Where reliable evidence shows that an applicant or licensee has failed to comply with a properly served child support withholding notice directed to it, no license shall be issued or renewed, and outstanding licenses may be revoked, unless the applicant or licensee establishes:

(1) the applicant or licensee is in compliance with the child support withholding notice at issue, as evidenced by canceled checks paid to obligee or official clerk's records that payments were received on behalf of the obligee; or

(2) the applicant or licensee is not now, and was not at the time of the alleged noncompliance, a payor of income to the obligor named in the child support withholding notice at issue; or

(3) the child support withholding notice at issue was not properly served upon the payor or is otherwise not in compliance with the applicable statute.

(d) Hearings – Procedures. Where the commissioner of business affairs and consumer protection has reason to believe, based on official records reflecting court orders and an accounting of payments, that an applicant or licensee is delinquent on a court-ordered child support arrearage, or has reason to believe, based on reliable evidence and proof of service, that an applicant or licensee has failed to comply with a child support withholding notice, then:

(1) For any proposed action with respect to city liquor dealers' licenses, and for revocations of any other type of license, other than licenses issued pursuant to Chapters 9-104, 9-108 and 9-112 of this Code, the commissioner shall refer the matter to the department of business affairs and consumer protection for actions consistent with this section; and

(2) For revocation of licenses issued pursuant to Chapters 9-104, 9-108 and 9-112 of this Code and with respect to all other enforcement proceedings not seeking to revoke licenses, the commissioner shall institute an action with the department of administrative hearings and shall send a notice to the applicant or licensee, stating that the application shall be denied or the license shall be ineligible for renewal, or that any license issued pursuant to Chapters 9-104, 9-108 or 9-112 of this Code shall be subject to revocation, as applicable, unless such applicant or licensee provides sufficient evidence, in writing and/or orally at the administrative hearing, or prior to the scheduled hearing date at the department of business affairs and consumer protection, that one of the conditions set forth as (b)(1) – (4) or (c)(1) – (2), whichever is applicable, is satisfied. Such notice shall be mailed to the licensee's last known business address, which shall mean that address provided by the licensee at the last license renewal or by the applicant in the license application, or to the home address where that is the last known address provided.

(A) After the commissioner institutes an action with the department of administrative hearings, that department shall appoint an administrative law officer who shall conduct the administrative hearing. The hearing shall be limited to the defenses set forth in (b)(1) – (4) or (c)(1) – (2) above. Where the applicant elects to present such evidence, no application shall be denied and no license shall be revoked or found

ineligible for renewal until the administrative law officer issues a written determination of whether the applicant or licensee has presented sufficient evidence to demonstrate any of the above defenses and serves it by certified mail addressed to the last known address that the applicant or licensee has provided. The hearings shall be conducted in accordance with the rules and regulations promulgated by the commissioner pursuant to this section, except that general provisions and rules governing hearings by the department of administrative hearings, including the provision for judicial review under the Illinois Administrative Review Law, shall apply where not inconsistent with the commissioner's rules and regulations and the provisions of this section.

(B) Where the applicant or licensee fails to appear on the scheduled hearing date and fails to request a continuance, an administrative law officer may find the applicant or licensee in default and enter an order that the license application be denied or the license be revoked or deemed ineligible for renewal.

(i) The administrative law officer shall serve a copy of the default order on the applicant or licensee by certified mail, addressed to the last known business address of the applicant or licensee.

(ii) Within 21 days after receipt of the default order, an applicant or licensee may petition the administrative law officer to set aside the default order on the basis that the failure to appear was for extraordinary cause, and shall set forth the extenuating circumstances, of which the administrative law officer may require proof. If the petition is granted, the administrative law officer shall send notice by certified mail of a rescheduled time for an administrative hearing.

(C) Where an administrative law officer appointed by the department of administrative hearings determines that a license application should be denied or a license should not be renewed, or a license issued pursuant to Chapters 9-104, 9-108 or 9-112 should be revoked, the commissioner or the department of administrative hearings shall notify the department of business affairs and consumer protection and the city clerk of such determination.

(e) Commissioner – Powers. The commissioner of business affairs and consumer protection is hereby authorized to do the following:

(1) investigate the child support payment records of any applicant or licensee, and any substantial owner thereof, to determine court-ordered child support arrearages and compliance with child support withholding notices;

(2) provide information on applicants, licensees, and any substantial owners thereof, to the appropriate Cook County and State of Illinois governmental entities, to the extent allowed by law, to assist those offices in enforcement of child support obligations;

(3) provide the names and business addresses of applicants, licensees, and substantial owners to persons seeking to enforce court-ordered child support arrearages and compliance with child support withholding notices, and their legal representatives, to the extent allowed by law, on the condition that such information be used solely for the purpose of assisting in child support enforcement; provided that the names and identifying information of persons seeking to enforce child support orders shall be deemed confidential;

(4) subpoena the business records, financial statements, and other relevant records, including those reflecting ownership interests, of any applicant or licensee, where relevant to determining child support compliance;

(5) to take all actions necessary to carry out the provisions of this section;

(6) work with the bar associations, the court system and other interested groups to facilitate compliance with the requirements of this ordinance; and



(7) to promulgate regulations relating to the operation of this section.

(Added Coun. J. 2-7-96, p. 15393; Amend Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 7-29-98, p. 75051; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-155 Predatory lenders.**

(a) No person licensed under this Title 4 may receive, under a home repair or improvement contract, the payment of proceeds from any loan secured by residential real estate located within this city, unless the payment:

(i) is in the form of an instrument that is payable to the borrower or jointly to the consumer and the contractor; or

(ii) is made by a third party escrow agent in accordance with terms established in a written agreement signed by the borrower, the lender and the contractor before the date of payment.

(b) No person licensed under this Title 4 may, in connection with any home repair or improvement contract, act as agent for, or advertise, promote or recommend the services of, a predatory lender or its affiliate, as those terms are defined in Section 2-32-455.

(Added Coun. J. 8-30-00, p. 39074, § 1)

#### **4-4-160 Mailing of license and related material.**

Where all preliminary requirements provided in this Code have been complied with, the city clerk shall be permitted to transmit by mail any license certificates and license plates, tags, badges, emblems, and other insignia to qualified applicants therefor.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-170 Change of location.**

If any person licensed to engage in a business or occupation at a particular place shall, before the expiration of the license period, desire to change the location of such place of business, he shall be required to obtain a new license before conducting the business or occupation at the new location. It shall be unlawful to conduct the business or occupation at the new location prior to obtaining the new license. Any new license obtained for a change of location shall remain in effect until the time prescribed for renewal of the license under Section 4-4-021. The fee for the new license shall be the fee, as provided in 4-5-010, charged for the license reduced on a prorated basis to reflect the number of days of the license period remaining until the license is required to be renewed under Section 4-4-021.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 12-15-99, p. 21529, § 1; Amend Coun. J. 11-15-06, p. 92532, § 1; Amend Coun. J. 1-13-10, p. 83191, § 1)

#### **4-4-175 Change of officers.**

(a) All licensees, other than city liquor licensees who shall comply with Section 4-60-060, shall notify the department of business affairs and consumer protection in writing within 60 days of the effective date of any change that occurs in the officers, substantial owners, members or any other individual required to be

identified in the initial license application by Section 4-4-050.

(b) At the time of filing the notice of such change with the department of business affairs and consumer protection: if the licensee has a license which requires approval by the department of police prior to issuance, the licensee shall pay a fee of \$40.00; if the licensee has no licenses which require department of police approval prior to issuance, the licensee shall pay a fee of \$20.00.

(Added Coun. J. 4-16-97, p. 42588; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-176 Change of business name.**

(a) All licensees shall notify the department of business affairs and consumer protection in writing within 60 days of the effective date of any change that occurs in the name of the licensed business.

(b) At the time of filing the notice of such change with the department of business affairs and consumer protection, the licensee shall pay a fee of \$40.00.

(Added Coun. J. 4-16-97, p. 42588; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-180 Adjustments.**

When any licensee, by increasing the number of his employees, or the amount of business done by him, or the size of his plant, or the number or size of his vehicles, or by making any change of any kind in his business, places himself in a class where the provisions of this Code require him to pay a higher license fee, he shall pay the additional license fee and shall be entitled to receive a supplemental license and such additional license plates, badges, tags, emblems, or insignia as may be required.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-190 Nontransferability.**

No transfer of ownership shall be allowed on any license.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-200 License insignia – Distribution.**

In all cases where any provisions of this Code require a license to be obtained and the regulations pertaining thereto also require the licensee to obtain and exhibit a plate, tag, badge, emblem or other insignia, it shall be the duty of the city clerk to deliver such insignia free of charge to the person paying the license fee, and such fee shall be considered as including the cost of such insignia.

Such plate, tag, badge, emblem or other insignia shall be impervious to weather and bear the same serial number as the license. Except in the case of metal tags or badges, such number shall be reproduced in words as well as figures. It shall be the duty of the city clerk to change annually the predominant background color of such insignia.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-210 License insignia – Display.**

It shall be the duty of every person conducting, engaging in, maintaining, operating, carrying on or managing a business or occupation for which a license is required by any provision of this Code to post such license in a conspicuous place at the premises where the business or occupation is being conducted.

Where a license emblem or other insignia is delivered to a licensee for use in connection with a business or establishment of a licensee, it shall be the duty of the licensee to affix said insigne on the inside glass part of the window of said establishment licensed which faces upon the public way or to the inside glass part of the door opening upon the public way. Such insigne shall be placed so as to be plainly visible from the public sidewalk, and the view of it shall not be obstructed by merchandise or other obstacles. Where a license is issued for premises which do not have a window or door with glass opening directly upon the public way at a first floor level, such license insigne shall be affixed to the glass in the door, window, showcase or other prominent place in the proximity of the public or principal entrance to such establishment.

Every licensee operating a wagon or other vehicle for which a metal plate is issued under the provisions of this Code shall have said plate securely fastened on the outside of the right side of the box of each vehicle used in the conduct of the business or occupation. Every licensee operating a motor vehicle for which a license emblem is issued under the provisions of this Code shall affix said emblem on the inside of the windshield of the vehicle.

No license certificate, plate, badge, tag, emblem or other insigne shall be permitted to remain posted or displayed after the period for which the license was issued has expired.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 12-15-99, p. 21529, § 1)

#### **4-4-220 License insignia – Loss – Issuance of duplicate.**

In case any licensee who has been furnished a plate, badge, tag, emblem or other insigne in accordance with the provisions of this Code shall lose the same, it shall be within the discretion of the mayor to authorize the issuance of a duplicate insigne upon the making of an affidavit of loss by such person and the payment of a fee of \$5.00 to the director of revenue.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-230 License certificates and insignia – Alteration or removal prohibited.**

No person shall add to, alter, deface, forge or counterfeit any license certificate or license plate, tag, badge, emblem or other insigne which has been or is being issued by the city.

No person shall destroy, obliterate, take, remove or carry away without the consent of the owner, any license certificate or license plate, tag, badge, emblem or other insigne which has been issued by the city; except that said certificate, plate tag, badge, emblem or other insigne may be removed after the licensed business has been discontinued or the licensed premises have been abandoned. Nothing herein contained shall prevent the mayor or his duly authorized representatives from removing any license certificate, emblem or insigne from the possession of a former licensee, his premises or any vehicle when said license has been revoked under the provisions of this Code.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-240 License insignia – Unlawful transfer or use.**

It shall be unlawful for any licensee to loan or give away any license certificate or any license plate, tag, badge, emblem or other insigne issued to such licensee.

It shall be unlawful for any person to use or display any license certificate or license plate, tag, badge, emblem or other insigne which has been unlawfully acquired.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-250 Notice of expiration.**

It shall be the duty of the commissioner of business affairs and consumer protection, from ten to 60 days prior to the expiration of the license period, to cause a written notice to be mailed to each licensee directing the attention of such licensee to the fact that a new license will be required on the day following the expiration of his existing license, and directing his attention also to the amount of the license fee and to the penalty for failure to procure a license in accordance with the provisions of this Code governing the issuance of such license; provided, however, that failure on the part of the commissioner of business affairs and consumer protection to cause such notice to be mailed to each licensee shall not be deemed a defense to a suit brought by the city to recover the penalty for a violation of the provision of this Code under which the licensee is required to obtain a license.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-260 License renewal.**

Except where otherwise specifically provided, the commissioner of business affairs and consumer protection, or the commissioner of the applicable department, may renew any license at the beginning of a new license period upon proper application and payment of the required fee. Prior to renewal, all licensees and substantial owners shall provide the commissioner of business affairs and consumer protection, or commissioner of the applicable department, with the following information: the names, residence addresses, business addresses, social security numbers, dates of birth, and percentages of interest required in the initial license application by Section 4-4-050 or, where such information already has been provided in a license application, any new information necessary to make such information current and accurate. It is the express duty of the licensee to notify the commissioner of business affairs and consumer protection, or other city department charged with its license renewal, of any change of business or home address. Upon request in writing by any department or board in control of any regulation affecting the licensees or the licensed premises, the commissioner of business affairs and consumer protection shall furnish said department or board lists of licenses renewed in any designated class of licenses. All license renewal applications filed after the date specified in Section 4-4-021 shall be charged a late license fee in the amount of 25 percent of the amount of the annual license fee, but in no event less than \$25.00.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 2-7-97, p. 15393; Amend Coun. J. 7-29-98, p. 75051; Amend Coun. J. 6-4-03, p. 2443, § 3; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-265 Remediation conferences.**

(a) Any city department or agency that is responsible for enforcing any of the license requirements of this Code or any other provision of the code related to the conduct of a business or occupation that is licensed by the city shall have authority to require a licensee to appear at a remediation conference at which the licensee shall be required to produce books and records or answer questions for the purpose of determining the licensee's compliance with any provision of the code that is within the department or agency's

enforcement authority.

(b) When a department or agency requires a licensee to appear at a remediation conference, the licensee shall be given no less than 30 calendar days notice that they are directed to appear at the offices of the department or agency for a remediation conference, in person or by first class mail prior to the expiration of the license term. The license of any licensee who is directed to appear at a remediation conference scheduled or offered prior to expiration of the license term and who fails or is yet to appear at the remediation conference, notwithstanding any other law to the contrary, shall not be eligible for renewal and shall constitute grounds for closure of the licensed business or occupation, provided that any business authorized by the prior license may be conducted until the 30-day notice period required by this section has expired.

(Added Coun. J. 7-29-98, p. 75073)

#### **4-4-270 Renewal of frontage consents.**

In any case where frontage consents are required to be procured before a license shall issue, it shall not be necessary to secure the renewal of such frontage consents upon the expiration of such license if such license be renewed or a new license for the same business be procured forthwith.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-280 License revocation.**

(a) The mayor shall have the power to fine a licensee, and to suspend or revoke any license issued under the provisions of this Code for good and sufficient cause or if he determines that the licensee shall have violated any of the provisions of this Code or any of the statutes of the state. However, no such license shall be so revoked or suspended except after a public hearing, the licensee first having been given five days written notice of said hearing, affording the licensee an opportunity to appear and defend. The public hearing shall be held before a license commissioner appointed by the mayor, or such other hearing officer as the mayor may designate in his stead, who shall report his findings to the mayor.

The mayor shall have the right to authorize the examination of the books and records of any licensee upon whom notice of a public hearing has been served.

If the mayor shall determine after such hearing that the license should be revoked or suspended, within 60 days he shall state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order upon the licensee. No person shall remove any sign indicating that a business has been closed by official order until such time, if any, that a business reopens in compliance with the provisions of this Code.

If the mayor determines that a fine is an appropriate penalty, the amount of the fine shall not exceed the fine imposed in the chapter creating the subject license. If no fine is specified in that chapter, the fines specified in this chapter shall apply.

Whenever it shall appear from the books or records kept by the city clerk, director of revenue, the commissioner of business affairs and consumer protection or city comptroller that any person holding any license, permit or any kind of privilege granted by the city has failed to pay the amount due thereon, the city clerk, director of revenue, the commissioner of business affairs and consumer protection or city comptroller, as the case may be, shall report the fact to the mayor, and the mayor may revoke such license, permit or privilege.

(b) In the event the mayor designates a local liquor control commissioner, said local liquor control

commissioner shall exercise the power of the mayor set forth in subsection (a) of this section with respect to liquor licenses.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 2-7-96, p. 15393; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5; Amend Coun. J. 5-12-10, p. 91354, § 2)

#### **4-4-281 License rescission.**

The commissioner of the department of business affairs and consumer protection shall have the power to rescind any license erroneously issued by the department of business affairs and consumer protection. In order for such a rescission to be effective, the commissioner must notify the licensee whose license may be rescinded at least ten days before the rescission will take effect. The notice shall take place by certified mail. The commissioner must indicate in such notice the basis for the proposed rescission and must also indicate a date and time, prior to the proposed rescission date, upon which the licensee may appear before the commissioner, or his or her designee, to contest the proposed rescission. The licensee shall also be informed that he or she shall be entitled to present to the commissioner or his or her designee any document, including affidavits, relating to the proposed rescission. Following the appearance of the licensee before the commissioner, the commissioner may affirm or reverse his or her rescission decision. The commissioner's decision shall be in writing and shall be mailed to the licensee at least five days before a license rescission is effective. A licensee may appeal the commissioner's decision to any court of competent jurisdiction.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-282 License suspension or revocation – Illegal activities on premises.**

The license of any person may be suspended or revoked pursuant to Section 4-4-280 if the mayor determines that the person or his agent or employee has violated the provisions of Section 8-4-090(b) on any premises for which the license was issued.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-283 Closure due to dangerous or hazardous conditions – Effect on license or application.**

(a) Whenever any authorized officer issues an order pursuant to Section 13-8-100 or Section 13-12-120 of this Code to vacate and close any building, structure or portion thereof used to conduct any activity requiring a license under this Code, all such activity within any closed portion shall cease immediately. If an application for an initial or renewed license has been filed for any activity at any closed portion of the subject property, the application shall not be processed or considered unless (1) in a proceeding filed by the city for enforcement of the building provisions of this Code, the department of administrative hearings or the circuit court, as the case may be, finds that the violation or violations leading to the closure and vacation of the property either did not exist or have been corrected; or (2) the officer who ordered the closure and vacation determines that the violation or violations leading to the closure and vacation of the property have been corrected; or (3) the department of business affairs and consumer protection's adjudication division, in an appeal brought by the applicant, determines that the activity requiring the license can be conducted by the applicant in full compliance with this Code, in a portion of the property not subject to the order to vacate and close. The period of delay in considering or processing an application caused by enforcement of this section shall not be counted against any maximum period of time for acting on or rendering a decision on an application.

(b) A determination in favor of an applicant under subsection (a) of this section shall not entitle the applicant to a license, but only consideration of his application for a license. The procedures described in



subsection (a) of this section shall be the only methods by which an applicant may obtain consideration of an application for a license to conduct activity requiring a license at a property ordered vacated and closed under either Section 13-8-100 or Section 13-12-120 of this Code.

(Added Coun. J. 10-1-03, p. 9163, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-285 Trademark violations.**

(a) All business licenses of a licensee under this Code shall be revoked if the licensee knowingly sells, offers for sale, exposes for sale, or acquires for purpose of sale, any item (1) that bears a false or counterfeit trademark, or (2) that bears a genuine trademark that has been attached to the item without permission of the rightful holder of the trademark.

(b) A licensee whose business licenses are revoked pursuant to subsection (a) of this section shall be ineligible for any license under this Code for a period of one year from the effective date of the revocation.

(Added Coun. J. 8-30-00, p. 39777, § 1)

#### **4-4-290 Enforcement of license ordinances.**

It shall be the duty of the commissioner of business affairs and consumer protection to examine or cause to be examined all persons and places of business subject to license for the purpose of ascertaining whether or not such licenses have been procured. In case of the neglect or refusal of any person to procure a license as required by this Code, the commissioner of business affairs and consumer protection shall have the authority, and it shall be his duty, to take such action as he deems necessary to enforce said license requirement.

The commissioner of business affairs and consumer protection and all investigators and employees of this office who may be designated by the commissioner of business affairs and consumer protection shall have full police powers to enforce the provisions of this chapter, and shall have the right to arrest or cause to be arrested any person who violates any of the provisions of this Code, and shall have the right-of-entry at any time to any place of business for which a license is required by this Code, for the purpose of ascertaining whether or not the said provisions have been complied with.

It shall be the duty of the head of the department or board charged with the enforcement of any regulatory provision of this Code, other than the mere procurement of a license, to take such action as shall be necessary to compel compliance with said regulatory provision. Such head of department or board shall have the authority to call upon the department of police for aid in the enforcement of any regulatory provision of this Code the enforcement of which is placed upon such head, and it shall be the duty of the superintendent of police, when called upon by said head of department or board, to act according to the instructions and to perform such duties as may be required of him in order to enforce or put into effect said regulatory provision.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-295 Unlawful interference with enforcement.**

When the commissioner of business affairs and consumer protection or a department of business affairs and consumer protection investigator is charged with the enforcement of any provision of the code, it shall be unlawful for any person to knowingly interfere with or impede the commissioner of business affairs and consumer protection or investigator in the enforcement of his or her duties. Any person who violates this

section shall be subject to a fine of not less than \$300.00 nor more than \$500.00, imprisonment for a term not to exceed six months, or both such fine and imprisonment under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code and under the provisions of the Illinois Code of Criminal Procedure.

(Added Coun. J. 12-15-99, p. 21529, § 2; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-300 Hazardous use units.**

Every license required to engage in any business or occupy or use any premises, structure or building for any purpose classified as a hazardous use unit in Chapter 13-112 of this Code, and every extension or renewal thereof, shall require the approval of the division marshal in charge of the bureau of fire prevention, as a condition precedent to the issuance of every such license and to every extension or renewal thereof. The division marshal in charge of the bureau of fire prevention shall make, or cause to be made, an inspection of every hazardous use unit for which an application for license, or for an extension or renewal thereof, has been made. If such inspection shall prove the entire compliance of such hazardous use unit with the requirements of Chapter 13-112, the division marshal in charge of the bureau of fire prevention shall issue, or cause to be issued, a certificate of compliance and approval. Such certificate shall be subject to revocation for cause by the division marshal in charge of the bureau of fire prevention at any time, and upon notification of the revocation of such certificate, the mayor shall revoke any license conditioned upon said certificate. The provisions of this section shall be construed as remedial and retroactive as well as prospective.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-310 Public ways – Maintenance – Littering prohibited.**

It shall be unlawful for any person licensed to engage in any business or occupation on premises abutting a public way, or for any person using any part of a public way for or in connection with his business or occupation, to litter or to permit the accumulation of any paper, rubbish or refuse upon that portion of the public way abutting said premises or on and about that portion of the public way so used. It shall also be the duty of the licensee to remove the snow and ice from the sidewalk in front of his premises.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-311 Reserved.**

**Editor's note** – Coun. J. 11-19-08, p. 47220, Art. V, § 3, repealed § 4-4-311, which pertained to commercial passenger vessels and the responsibility for use agreements and code enforcement.

#### **4-4-312 Restrictions on health club licenses.**

No limited business license shall be issued for any health club, fitness center or exercise club, unless the health club, fitness center or exercise club provides proof that (i) either through ownership, or by a contractual relationship with a third party, the applicant has available off-street parking within 500 feet of the licensed premises in an amount equal to ten percent of the capacity of the licensed premises; or (ii) the patrons of the applicant have access to parking in an accessory garage located on the same zoning lot as the premises of the applicant in an amount equal to ten percent of the capacity of the licensed premises. This section shall not apply to any premises occupied by a licensed health club, fitness center or exercise club on the effective date of this section until such time that the premises ceases to be used as a health club, fitness center or exercise club, or to any health club, fitness center or exercise club located in the central business district, as defined in Section 9-4-010 of this Code.



#### **4-4-313 Restriction on hours of operation.**

(a) Except for those businesses listed in subsection (c) of this section, the operation of a business requiring a license under this code between the hours of 12:00 midnight and 5:00 a.m. shall be considered a severable privilege under the applicable license. That privilege may be suspended or terminated, in the same manner and pursuant to the same procedures applicable to revocation and suspension of licenses, if the licensee's business is or creates a nuisance during the hours between 12:00 midnight and 5:00 a.m. A licensed business is or creates a nuisance during those hours if: (i) within any consecutive 12 months, not less than three separate incidents occur on the licensed premises, on or in the licensed premises' parking facility, or on the public way adjacent to the licensed premises, between the hours of 12:00 midnight and 5:00 a.m., involving acts that violate any federal or state law defining a felony, or any federal or state law or municipal ordinance regulating narcotics, controlled substances or weapons; or (ii) the licensee has failed to take reasonable steps to correct objectionable conditions existing between the hours of 12:00 Midnight and 5:00 A.M. on the licensed premises or on adjacent property.

Any person may file with the commissioner of business affairs and consumer protection a complaint that a licensee's business is a public nuisance because the licensee has failed to take reasonable steps to correct objectionable conditions existing between the hours of 12:00 Midnight and 5:00 A.M. on the licensed premises or on adjacent property. The commissioner of business affairs and consumer protection may notify the licensee to appear before the commissioner, in the presence of the complaining persons when the commissioner considers such presence appropriate, to define, discuss and seek resolution of problems giving rise to the complaint. The commissioner may also order subsequent meetings to review progress toward resolution of the problems. The failure of a licensee to appear in response to a notice, or to attend subsequent meetings as ordered by the commissioner, and the progress made in resolving the problems identified in the complaint, shall be considered in any proceeding to suspend or revoke the privilege to operate a business between the hours of 12:00 Midnight and 5:00 A.M.

(b) In a proceeding to suspend or revoke the privilege of operating between the hours of 12:00 midnight and 5:00 a.m.:

(1) it shall not be relevant that the licensee or the licensee's employees or agents were not personally involved in the commission of the illegal acts or personally responsible for the objectionable conditions; and

(2) for purposes of determining whether three or more illegal acts occurred during a 12-month period, illegal acts occurring on the public way shall be limited to acts of the licensee, its employees, agents or patrons; and

(3) the occurrence of the illegal acts or objectionable conditions may be proved by preponderance of the evidence only.

(c) The provisions of subsection (a) of this section shall not apply to any of the following businesses:

(1) a retail liquor establishment licensed under Chapter 4-60 of this Code;

(2) a coin laundry licensed under Chapter 4-220 of this Code;

(3) a hospital licensed under Chapter 4-84 of this Code;

(4) any public passenger vehicle licensed under Chapter 9-112 of this Code;

- (5) any ambulance licensed under Chapter 4-68 of this code;
  - (6) any business licensed under this code and providing emergency services such as board-up or repairs to buildings;
  - (7) a veterinary hospital licensed under Chapter 4-384 of this Code;
  - (8) a hotel, motel, bed and breakfast inn, single-room-occupancy building or other lodging properly licensed under this Code;
  - (9) a retail food establishment licensed under Chapter 4-8 of this Code, whose indoor merchandise area is more than 12,000 square feet in area;
  - (10) a home for the aged, sheltered care home or other residential care facility licensed under Chapter 4-96 of this Code;
  - (11) a day care facility licensed under Chapter 4-72 of this Code;
  - (12) a funeral home;
  - (13) a pharmacy;
  - (14) a public utility;
  - (15) a manufacturing establishment licensed under Chapter 4-224 of this Code;
  - (16) any other type of business whose operation between 12:00 midnight and 5:00 a.m. is determined by the commissioner of business affairs and consumer protection to be necessary to the public health, safety and welfare.
- (d) Nothing in this section authorizes any business to operate between the hours of 12:00 midnight and 5:00 a.m. To the extent that any provision of this Code, or a special zoning use, or a court order restricts or prohibits operation of that business during those hours, or during any portion of those hours.
- (e) For purposes of this section:
- (1) Adjacent property means:
    - (A) any private property that is owned, leased, or rented by the licensee and that is located next to the business premises;
    - (B) any public way located next to the business premises; or
    - (C) any private property which is owned, leased, or rented by the licensee which is located next to such portion of the public way described in paragraph (B) of this definition. For the purposes of this definition, the term public way has the meaning ascribed to the term in Section 1-4-090 of this code.
  - (2) Objectionable conditions include but are not limited to disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, or excessive loud noise.
  - (3) "Reasonable steps" includes, but is not limited to, the following:

(A) Calling the police department. Timely calls to the police department via 911 that are placed by the licensee, or his or her agents or employees, shall not, in and of themselves, be construed by the commissioner of business affairs and consumer protection as evidence of objectionable conditions that constitute a nuisance.

(B) Directing those persons engaging in activities causing objectionable conditions to cease those activities, unless the licensee, or his or her agents or employees, reasonably believe that their personal safety would be threatened in making that such direction. Directions of this nature may be provided orally or in writing.

(C) Making good faith efforts to remove items that facilitate loitering, such as furniture.

(D) Attending; C.A.P. S. meetings, beat meetings or other similar city-sponsored informative meetings and educational opportunities to improve the awareness of the licensee and its employees of problems related to the operation of the business and to promote remediation of such objectionable conditions.

(4) When determining what constitutes reasonable steps, the commissioner of business affairs and consumer protection; shall consider site configuration constraints and other factors related to the unique circumstances of the nature of the business as well as the frequency of complaints of objectionable conditions and the manner in which the licensee has sought to address such conditions.

(Added Coun. J. 5-5-04, p.22740, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 7-19-07, p. 4723, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-314 Restrictions on display of merchandise.**

(a) It shall be unlawful for any person licensed to engage in any business or occupation under this title to store, place, display or affix any ware, goods or merchandise on the exterior or outside of the licensed premises with the following exceptions:

(1) the licensed business is set back at least (10) feet from the public way or the property is fenced or otherwise screened in; or

(2) the licensed business is displaying seasonal items or perishable items including but not limited to fruit, vegetables or plants.

(b) If the licensed business is fenced or otherwise screened in, the fence must remain free and clear of all items unless those items are seasonal, perishable, or refuse containers.

(c) Nothing in this section shall prohibit the placement of signs which are otherwise authorized by this Code.

(d) Nothing in this section shall prohibit a licensed business in conformance with Chapter 4-4 from holding a sidewalk sale or street fair that is properly permitted.

(e) Nothing in this section shall prohibit a licensed business in conformance with Chapter 4-4 of this Code from holding special events and promotions, including but not limited to radio station promotions and customer solicitation events held in conjunction with nonprofit organizations anywhere on the business' private property.

(f) This section shall in no way authorize any person to store, place, display or affix any ware, goods,

merchandise or personal property of any kind on the public way unless otherwise authorized by this Code.

(g) Any person who violates this section shall be subject to the financial penalties of Section 4-4-340. In addition, any person who violates this section at least 3 times in any 12 month period shall be subject to license suspension or revocation, or both. Each day that such violation exists shall constitute a separate and distinct offense.

(Added Coun. J. 10-7-09, p. 72718, § 3)

#### **4-4-320 Public ways – Maintenance – Liability.**

Any licensee, individually or in cooperation with other persons or community groups, who removes snow or ice from the public sidewalk or street shall not as a result of his acts or omissions in such removal be liable for civil damages. This section shall not apply to acts or omissions amounting to wilful or wanton misconduct in such snow or ice removal.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-330 Public ways – Maintenance – Written notification.**

Upon the issuance or renewal of licenses issued pursuant to this chapter, it shall be the duty of the commissioner of business affairs and consumer protection to notify each applicant in writing of the provisions of Sections 4-4-310 and 4-4-320 of this chapter regarding responsibility for maintenance of the public way abutting each business.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-335 Spray paint cans and markers.**

It shall be unlawful for any person to sell at retail any paint in spray cans or etching materials to any person or to sell at retail any marker containing a fluid which is not water soluble and has a point, brush, applicator or other writing surface of three-eighths of an inch or greater to any person. “Retail” means sales other than those for the purpose of resale or for use by manufacturers, contractors, trades, railroads, public service corporations and institutions, or for the supplying of branch or general establishments from a central depot or store, and shall not include the sale at retail of secondhand or used goods, wares or commodities. “Etching materials” means any acid or like substance used to cut, bite, corrode or engrave on metal, glass, plastic, concrete or stone.

(Added Coun. J. 2-7-96, p. 15616; Amend Coun. J. 5-11-05, p. 48079, § 1; Amend Coun. J. 10-31-07, p. 11500, § 1)

#### **4-4-336 Improper business signs.**

(a) No sign shall be placed on the exterior of any business in the City of Chicago unless it is securely affixed to the property of the business. Unsecure methods of affixing a sign shall include, but not be limited to, attaching the sign with tape, string or staples.

(b) This section shall not prohibit the use of canopies, awnings and marquees authorized by chapter 10-24 of this Code.

(c) Any sign which is erected, altered or maintained in violation of this section shall be removed by the owner or operator of the business. Any person who erects, alters or maintains a sign in violation of this section shall be fined up to \$200.00 for each offense. Each day that the violation continues shall constitute a separate and distinct offense.

(d) If such sign is not removed, the City of Chicago may remove the sign and charge the expense of such removal to the owner or operator of the business.

(e) Following a hearing conducted in accordance with its rules, the department of business affairs and consumer protection's adjudication division may suspend or revoke any license issued to a business under the provisions of this Code, if a sign is erected, altered or maintained on the property of the business in violation of this section.

(Added Coun. J. 7-2-97, p. 47096; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-337 Illegal use of parking facilities.**

(a) No licensee under this code shall allow the use of the licensee's outdoor parking facilities for any business activity by any other person, except:

(1) An outdoor sale conducted by a business served by the parking facilities; or

(2) An occasional outdoor sale in support of a tax-exempt charitable, educational, religious or philanthropical institution or organization; or

(3) A special event presented by, or pursuant to permits issued by, the city; or

(4) A farmers' market conducted pursuant to chapter 4-12 of this Code.

Exception (2) above requires that the licensee file with the commander of the police district and with the alderman of the ward in which the parking facilities are located a written statement indicating the date(s) and location of the occasional sale; the name of the tax- exempt charitable, educational, religious or philanthropical institution or organization; the name, title and telephone number of a contact person for that institution or organization; and the licensee's consent for the occasional sale.

(b) The provisions of subsection (a) of this section shall not apply to a licensed peddler who sells or offers merchandise for sale on private property as allowed by section 4-244-130 of this Code.

(Added Coun. J. 2-11-04, p. 18457, § 1)

#### **4-4-340 Violation – Penalty.**

Any person violating any of the provisions of this chapter, where no other penalty is specifically provided, shall be fined not less than \$250.00 nor more than \$500.00 for each offense. Every day such violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 12-9-92, p. 25465; Amend Coun. J. 12-4-02, p. 99931, § 3.1)

#### **4-4-350 Severability.**

If any provision, clause, sentence, paragraph, section or chapter of this title, or application thereof to any

person, firm, corporation, public agency or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this title in the application of provisions unaffected by such an adjudgment to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, public agency or circumstance involved. It is hereby declared to be the legislative intent of the city council that the chapters which comprise this title would have been adopted had any unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not been included.

(Added Coun. J. 12-9-92, p. 25465)

#### **4-4-360 Service occupations – Definitions.**

Whenever used in Section 4-4-360 or 4-4-370, the following terms shall have the following meanings:

(a) “Personal service business” means any business that offers or performs alterations of clothing or dry cleaning services (as defined in Chapter 4-100).

(b) “Service” includes alterations of clothing and dry cleaning service provided by a personal service business, as well as any additional service not typically offered in association with alterations and dry cleaning.

(c) “Current selling price” means the price at which a personal service business provides a service in the absence of a seasonal discount, inducement or other special sale offer.

(Added Coun. J. 6-10-98, p. 71418)

#### **4-4-370 Notice of service prices required.**

(a) At each location where it accepts orders or payment for alterations or dry cleaning services, a personal service business shall prominently display a list of its services and their respective current selling prices. Any person found guilty of violating the provisions of this subsection (a) shall be subject to the penalty set forth in Section 4-4-390.

(b) No person engaged in a personal service business shall charge a price higher than the price displayed pursuant to subsection (a) of this section unless the amount of the difference and the reasons for the difference are disclosed to the customer prior to performing the service. Any person found guilty of violating the provisions of this subsection (b) shall be subject to penalty set forth in Section 4-4-390, and shall also pay restitution to the customer in the amount of the amount of the illegal overcharge.

(Added Coun. J. 6-10-98, p. 71418)

#### **4-4-380 Enforcement – Regulations.**

The provisions of Section 4-4-370 shall be enforced by the department of business affairs and consumer protection. The commissioner of business affairs and consumer protection shall prepare and issue regulations for the implementation of that section. Violation of any such regulation shall be a violation of this section.

(Added Coun. J. 6-10-98, p. 71418; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 11-19-08, p. 47220, Art. V, § 5)

#### **4-4-390 Penalties.**

Any person found guilty of violating subsection (a) of Section 4-4-370 shall be subject to a fine of \$50.00 for the first offense and \$150.00 for each subsequent offense. Any person found guilty of violating any other provision of Sections 4-4-370 or 4-4-380 shall be subject to a fine of not less than \$200.00 and not more than \$500.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

(Added Coun. J. 6-10-98, p. 71418)

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